

**UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

<b>In re:</b>	§	
<b>John J. Windland</b>	§	
<b>Valerie Windland,</b>	§	<b>Case No.: 19-31209</b>
	§	<b>Chapter 13</b>
<b>Debtor.</b>	§	

**AMENDED MOTION TO MODIFY CHAPTER 13 PLAN  
PURSUANT TO THE CARES ACT**

**NOTICE**

**This pleading requests relief that may be adverse to your interests.**

**If no timely response is filed within 21 days from the date of service,  
the relief requested herein may be granted without a hearing being held.**

**A timely filed response is necessary for a hearing to be held.**

**TO THE HONORABLE H. CHRISTOPHER MOTT, U.S. BANKRUPTCY JUDGE:**

COMES NOW, JOHN J. WINDLAND and VALERIE WINDLAND, Debtors, by and through their attorney of record in this case, TIMOTHY V. DANIEL, and respectfully file this Motion to Modify Chapter 13 Plan Pursuant to the CARES Act, as follows:

1. Debtors' seek to cure a plan arrearage of \$6,639.25 and extend the plan to eighty-four months (84). Debtors' current monthly plan payment is \$1,664.00 (Exhibit attached). Debtors' request that the payment be decreased to \$1,371.00 beginning November 24, 2020 and continuing each month until the plan is completed.
2. Debtors' further request that the plan be extended to eighty-four (84) months from the commencement of the plan, as permitted by the CARES Act.

3. The base amount of the plan shall increase to \$118,704.00 to pay additional interest principal and interest due to secured creditors and to pay counsel's fee.
4. Debtors' case was filed on July 24, 2019, before onset of the pandemic. For the most part, Debtors made payments on time in 2019. Beginning with the onset of the COVID-19 virus pandemic in 2020, John's hours were cut due to a decrease in work. During this same time period, Valerie's job search became more difficult as fewer jobs were available due to the pandemic and she remained unable to secure employment. As a direct consequence of the COVID-19 pandemic, Debtors fell behind on the Chapter 13 plan payments.
5. Counsel for Debtors hereby requests attorney fees, as an administrative claim, in the amount of \$450.00 as compensation for preparation of this motion.

WHEREFORE, the Debtors request that the Court modify the Chapter 13 plan as set forth above and grant attorney fees in the amount of \$450.00 as an administrative claim.

Date: October 18, 2020

Respectfully Submitted,

TIMOTHY V. DANIEL, PC

/s/ Timothy V. Daniel

Timothy V. Daniel  
603 Mississippi Ave.  
El Paso, TX 79902  
Telephone: 915-487-0072  
Facsimile: 505-629-1528  
tim@timvdaniel.com

COUNSEL FOR DEBTORS

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on October 18, 2020, a copy of the foregoing Motion to Modify Chapter 13 Plan Pursuant to the Care Act was served electronically or by regular United States mail to the Trustee, the Debtor, and all creditors listed herein on the attached matrix.

Stuart C. Cox  
Standing Chapter 13 Trustee  
1760 N. Lee Trevino Dr.  
El Paso, TX 79936

John J. and Valerie Windland  
3613 Palm Grove Cir.  
El Paso, TX 79936-8219

/s/Timothy V. Daniel  
Timothy V. Daniel

Label Matrix for local noticing 0542-3 Case 19-31209-hcm Western District of Texas El Paso Tue Sep 22 16:38:16 CDT 2020	United States Trustee (SMG313) U.S. Trustee's Office 615 E. Houston, Suite 533 P.O. Box 1539 San Antonio, TX 78295-1539	U.S. BANKRUPTCY COURT 511 E. San Antonio Ave., Rm. 444 EL PASO, TX 79901-2417
Armed Forces Bank Po Box 26458 Kansas City, MO 64196-6458	Armed Forces Bank, N.A. Douglas M .Neeb 1111 Main St Ste 1600 Kansas City, MO 64105-2114	Ashley Funding Services, LLC Resurgent Capital Services PO Box 10587 Greenville, SC 29603-0587
Capital One Po Box 30281 Salt Lake Cty, UT 84130-0281	Capital One Auto Finance 7933 Preston Road Plano, TX 75024-2302	Capital One Auto Finance, a division of AIS Portfolio Services, LP 4515 N Santa Fe Ave. Dept. APS Oklahoma City, OK 73118-7901
Capital One Auto Finance, a division of Capi P.O. Box 4360 Houston, TX 77210-4360	Capital One Bank (USA), N.A. by American InfoSource as agent PO Box 71083 Charlotte, NC 28272-1083	Comenity Bank/Victoria Secret Po Box 182789 Columbus, OH 43218-2789
Commonwealth Financial Systems 245 Main St Dickson City, PA 18519-1641	Conn Appliances, Inc. c/o Becket and Lee LLP PO Box 3002 Malvern PA 19355-0702	Conn's HomePlus Box 2358 Beaumont, TX 77704-2358
Convergent Outsourcing, Inc. 800 Sw 39th St Renton, WA 98057-4927	Credit Collection Service Po Box 447 Norwood, MA 02062-0447	Credit Management, LP 6080 Tennyson Parkway Plano, TX 75024-6002
Credit One Bank PO Box 98872 Las Vegas, NV 89193-8872	Cypress Finance Co. 8030 Alameda Ave El Paso, TX 79915-4704	I C System Inc Po Box 64378 Saint Paul, MN 55164-0378
Internal Revenue Service Po Box 7346 Philadelphia, PA 19101-7346	John J. Windland 3613 Palm Grove Cir El Paso, TX 79936-8219	LVNV Funding, LLC Resurgent Capital Services PO Box 10587 Greenville, SC 29603-0587
LVNV Funding/Resurgent Capital C/o Resurgent Capital Services Greenville, SC 29602	(p)OVATION SERVICES ATTN BANKRUPTCY DEPT 4301 WESTBANK DRIVE BLDG B SUITE 120 AUSTIN TX 78746-4468	Ovation Services LLC c/o Mary Elizabeth Heard Harrison & Duncan PLLC 8700 Crownhill, Suite 505 San Antonio, TX 78209-1130
Ovation Services LLC as agent for FGMS Holdings LLC c/o Mary Elizabeth Heard 8700 Crownhill Blvd, Ste 505 San Antonio, TX 78209-1130	Ovation Services, LLC 8401 Datapoint Drive Ste 1000 San Antonio, TX 78229-5926	Pendrick Capital Partners II, LLC Peritus Portfolio Services II, LLC PO BOX 141419 IRVING, TX 75014-1419

Pendrick Capital Partners, LLC  
Peritus Portfolio Services II, LLC  
PO BOX 141419  
IRVING, TX 75014-1419

Pinnacle Credit Services, LLC  
Resurgent Capital Services  
PO Box 10587  
Greenville, SC 29603-0587

Radius Global Solution  
7831 Glenroy Rd Ste 250  
Edina, MN 55439-3117

Southwest Credit Systems  
4120 International Pkwy  
Carrollton, TX 75007-1958

(p)SPRINT NEXTEL CORRESPONDENCE  
ATTN BANKRUPTCY DEPT  
PO BOX 7949  
OVERLAND PARK KS 66207-0949

T Mobile/T-Mobile USA Inc  
by American InfoSource as agent  
PO Box 248848  
Oklahoma City, OK 73124-8848

Timothy V. Daniel, PC  
1411 Montana Ave  
El Paso, TX 79902-5617

United States Trustee  
615 E. Houston Suite 533  
San Antonio, TX 78205-2055

United States Trustee - EP12  
U.S. Trustee's Office  
615 E. Houston, Suite 533  
P.O. Box 1539  
San Antonio, TX 78295-1539

Stuart C. Cox  
El Paso Chapter 13 Trustee  
1760 N. Lee Trevino Dr.  
El Paso, TX 79936-4565

Timothy V. Daniel  
Timothy V. Daniel, P.C.  
603 Mississippi Ave.  
El Paso, TX 79902-2415

Valerie Windland  
3613 Palm Grove Cir  
El Paso, TX 79936-8219

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Ovation Services LLC  
c/o Eddie Cantu  
Creel Law Group, PLLC  
4301 Westbank Dr., Bldg. B, Ste. 220  
Austin, TX 78746

Sprint Corp  
Attention Bankruptcy  
PO Box 7949  
Overland Park, KS 66207-0949

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)John J. Windland  
3613 Palm Grove Cir  
El Paso, TX 79936-8219

End of Label Matrix  
Mailable recipients 41  
Bypassed recipients 1  
Total 42